

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

ROGER LEE HAYNES, )  
                        )  
                        )  
Plaintiff,           )  
                        )  
                        )  
-vs-                   ) Case No. CIV-16-1152-F  
                        )  
                        )  
NOLA FOULSTON, et al., )  
                        )  
                        )  
Defendants.           )

**ORDER**

Magistrate Judge Shon T. Erwin has issued a Report and Recommendation (doc. no. 4), which recommends denial of plaintiff's motion to proceed without pre-payment of fees. The Report and Recommendation also recommends that this action be dismissed without prejudice unless the filing fee is paid in full within twenty days of the entry of any order adopting the Report and Recommendation.

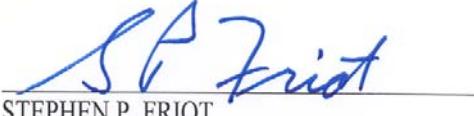
The Report and Recommendation provided notice than any objection was due by October 24, 2016, and that failure to object waives the right to review of both the factual and legal issues contained in the Report and Recommendation.

No objection to the Report and Recommendation has been filed, and plaintiff has not sought an extension of time within which to object.

After review, the Report and Recommendation of the Magistrate Judge is **ADOPTED, ACCEPTED and AFFIRMED**. Plaintiff's motion to proceed without pre-payment of fees is **DENIED**. Doc. no. 2. Absent payment of the \$400.00 filing

fee to the Clerk of the Court within twenty days of the date of this order, this action will be dismissed without prejudice.

DATED this 27<sup>th</sup> day of October, 2016.



STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

16-1152p001.wpd